

**BAKER & HOSTETLER LLP**

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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation  
(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  
ASCOT FUND LTD., GABRIEL CAPITAL  
CORPORATION,

Defendants.

Adv. Pro. No. 09-01182 (SMB)

**NOTICE OF TRUSTEE'S MOTIONS *IN LIMINE* NUMBERS 1 THROUGH 4**

**PLEASE TAKE NOTICE** that Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff (“Madoff”), by and through his undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004, for entry of orders granting the following motions: (1) Trustee’s Motion *In Limine* and Memorandum of Law Number 1 to Exclude All Evidence and Testimony on the Actions or Inactions of the United States Securities and Exchange Commission; (2) Trustee’s Motion *In Limine* and Memorandum of Law Number 2 to Limit Testimony of J. Ezra Merkin; (3) Trustee’s Motion *In Limine* and Memorandum of Law Number 3 to Exclude the Opinions and Testimony of Jeffrey M. Weingarten; and (4) Trustee’s Motion *In Limine* and Memorandum of Law Number 4 to Exclude Exhibits Not Produced During Discovery (collectively, the “Trustee’s Motions *In Limine* Numbers 1–4”), and upon the accompanying Declaration of Lan Hoang in Support of Trustee’s Motions *In Limine* Numbers 1 through 4.

**PLEASE TAKE FURTHER NOTICE** that proposed orders are attached hereto as Exhibits 1 through 4.

**PLEASE TAKE FURTHER NOTICE** that a hearing, if any, on the Trustee’s Motions *In Limine* Numbers 1–4 will be held at a date and time to be determined by the Court.

Dated: April 7, 2017  
New York, New York

Respectfully submitted,

/s/ David J. Sheehan

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